THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 25109 of 2007

Date:07-06-2007

Between:

B.Gopal Naik .. **PETITIONER**

AND

The Superintendent of Police, Anantapur and another

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not following Rule 7(1) & (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules,1995 (for short 'the Rules') in Crime No.37 of 2006 of Talapula Police Station, Anantapur, as illegal and arbitrary.

On a private complaint filed by the petitioner on the file of the Additional Judicial Magistrate of First Class, Kadiri against the Madnal Revenue Officer, Talupula alleging that he has committed an offence punishable under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act), the case was referred under Section 156(3) Cr.P.C. to the Station House Officer, Talupula Police Station and accordingly,
a case in crime No.37 of 2006 was registered on 10.10.2006.

It is the case of the petitioner that under Rule 7(1) & (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 the investigation has to be completed within a period of 30 days. But, even though, the case was registered on 10.10.2006, the investigation was not completed within the stipulated period of 30 days.

In the counter, it is stated that the investigation was completed within a month and final report was also filed on 09.11.2006. But, the said report was in fact filed before the Court on 15.12.2006.

In view of the aforesaid counter, I am of the opinion that there was no delay in filing the report as the investigation was completed within a month. As the final report was filed referring the complaint of the petitioner as false, it is open for the petitioner to file a protest petition.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:07.06.2007
ccm

Note:
Furnish C.C. within a week.
B/o
ccm